

Introduced by Senator Wiggins

February 23, 2009

An act to amend Section 56668 of, and to repeal Section 56668.5 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 215, as introduced, Wiggins. Local government: organization.

(1) Existing law, the Cortese-Knox-Hertzberg Act, requires a local agency formation commission, when reviewing a proposal for a change of organization or reorganization, to consider specified factors, including the proposal's consistency with city or county general and specific plans.

This bill would modify that factor so that a commission would be required to consider the proposal's consistency with city or county general and specific plans, and any applicable transportation plan, when reviewing a proposal for a change of organization or reorganization.

(2) Existing law authorizes a commission to consider the regional growth goals and policies established by a collaboration of elected officials.

This bill would repeal that provision.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 56668 of the Government Code is amended to read:

56668. Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

“Services,” as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g) Consistency with city or county general and specific plans, *and any applicable regional transportation plan, including a sustainable communities strategy or alternate planning strategy, adopted pursuant to Section 65080.*

1 (h) The sphere of influence of any local agency which may be
2 applicable to the proposal being reviewed.

3 (i) The comments of any affected local agency or other public
4 agency.

5 (j) The ability of the newly formed or receiving entity to provide
6 the services which are the subject of the application to the area,
7 including the sufficiency of revenues for those services following
8 the proposed boundary change.

9 (k) Timely availability of water supplies adequate for projected
10 needs as specified in Section 65352.5.

11 (l) The extent to which the proposal will affect a city or cities
12 and the county in achieving their respective fair shares of the
13 regional housing needs as determined by the appropriate council
14 of governments consistent with Article 10.6 (commencing with
15 Section 65580) of Chapter 3 of Division 1 of Title 7.

16 (m) Any information or comments from the landowner or
17 owners, voters, or residents of the affected territory.

18 (n) Any information relating to existing land use designations.

19 (o) The extent to which the proposal will promote environmental
20 justice. As used in this subdivision, “environmental justice” means
21 the fair treatment of people of all races, cultures, and incomes with
22 respect to the location of public facilities and the provision of
23 public services.

24 SEC. 2. Section 56668.5 of the Government Code is repealed.

25 ~~56668.5. The commission may, but is not required to, consider~~
26 ~~the regional growth goals and policies established by a~~
27 ~~collaboration of elected officials only, formally representing their~~
28 ~~local jurisdictions in an official capacity on a regional or~~
29 ~~subregional basis. This section does not grant any new powers or~~
30 ~~authority to the commission or any other body to establish regional~~
31 ~~growth goals and policies independent of the powers granted by~~
32 ~~other laws.~~

33 SEC. 3. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.